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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000309

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SUBJECT: CA ELECTION UPDATE: 23 DAYS TO GO

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d).

Summary

1. (U) With only 23 days to go until Nepal's April 10 Constituent Assembly election, the candidate list is not yet final, but the Election Commission has released what is likely to be very close to the authoritative list. Those who object to the published proportional representation candidate lists have until March 25 to complain. All of the major political parties and several of the minor ones have released election manifestos, but Embassy sources argue they will have little immediate relevance. The Prime Minister's Nepali Congress has thus far proven unable to form an alliance in the Terai, which is expected to harm its electoral prospects. The Maoists, stinging from the Communist Party of Nepal - United Marxist Leninist's (UML) disinterest in an alliance, have increased attacks against political rallies and candidate campaigns. Meanwhile, armed groups in the Terai continue to threaten to disrupt the election.

Of Lists, Candidates, and Ballots

2. (C) With only 23 days until Nepal's April 10 Constituent Assembly (CA), the overall number of parties and candidates contesting the CA election has yet to be finalized. On March 17, however, the Election Commission (EC) made the lists of proportional representation (PR) candidates public. According to the EC, 5,998 candidates from 54 parties are registered to contest for the CA's 335 PR seats. March 25 is the deadline for filing objections to those lists. Peter Erben, country director for IFES Nepal, reported March 14 that seven parties, including the Nepali Congress (NC), the Communist Party of Nepal - United Marxist Leninist (UML), the Maoists, the Rastriya Prajatantra Party and the three People's Front parties, submitted full lists for all 335 seats. Three other parties submitted lists with over 100 names, while the remainder, including the three United Democratic Madhesi Front parties, submitted lists with under 100 names, thus avoiding caste and ethnic quotas. Half of the candidates on the PR lists had to be women. In the end, the EC noted there were 121 more women PR candidates than

men. On March 18, the EC published the list of 3,954 candidates from 55 parties plus independents contesting for the 240 first-past-the-post seats. Only the NC and Maoists are contesting in all constituencies. (The UML is contesting in all but one.) Erben reported on March 14 that, despite some technical difficulties, current production numbers indicated the ballots could be ready for distribution on March 31, four days ahead of schedule.

Manifestos: Grand Words, Little Meaning

13. (C) On March 16, the Madhesi People's Rights Forum (MPRF) and Nepal Workers and Peasants Party (a minor left party in the governing coalition) released their election manifestos. The NC and several smaller parties released their manifestos the week of March 10 (the Maoists and UML the previous week).

Embassy sources indicate that the documents have little immediate value except to provide opportunities for parties to attack each other. They insist that the manifestos do not form the basis for candidate campaigns, which are focused primarily on personalities and historic loyalties. In fact, post is told the vast majority of Nepalis will never read them. However, the same sources admit that the manifestos do provide a preliminary indication of how the various parties will address key issues such as the nature of Nepal's executive branch and its incipient federal system when the Constituent Assembly drafts a new constitution. A comparison of the manifestos will be reported septel.

Nepali Congress Prospects: Outlook Not Good

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14. (C) The Nepali Congress remains hobbled by infighting, according to Dominic Cardy, the National Democratic Institute's (NDI) Country Representative. On March 14, he assessed the NC would do poorly in the hills, having lost the support of security services demoralized by years of NC-led government instructions to do nothing to counter the Maoists.

Other Embassy contacts have been predicting the NC would do poorly as well in the Terai, which is the NC's traditional votebank. Cardy noted Upendra Yadav's MPRF has been successful in drawing a number of former NC members into its ranks. The NDI representative explained an alliance between the NC and Madhesi would be difficult because Yadav and Sujata Koirala, Minister Without Portfolio and daughter of Prime Minister G.P. Koirala, insisted on contesting in the same Terai district. Mahanta Thakur, Chairman of the Terai Madhes Democratic Party, would likely be unwilling to make a deal with the NC without Yadav's support. Cardy added that the NC has finally begun opening contact offices in the districts, the last of the three major parties to do so. More recent visitors report that the lack of Madhesi unity and their poor grassroots organization could improve NC (and UML) chances in the Terai.

Maoists A Major Concern

15. (C) Following a weeklong spike in Maoist misbehavior, Maoist Chairman Pushpa Dahal (Prachanda) announced at a campaign rally on March 16 in Rolpa that a "peaceful war" would continue if the Maoists did not win a majority of seats in the CA election. Cardy had reported on March 14 that the Maoist abuses -- over 500 attacks during the previous week against candidates from other parties -- took off when it became clear that the UML had ruled out a national-level alliance with the Maoists. (According to Prachanda's rally speech, the UML's "snooty attitude" was to blame for the failure of an alliance.) Shambu Kumaran, the Political Counselor at the Indian Embassy, separately told Emboff on March 14 that the Maoists posed the greatest threat to the CA election. Kumaran reported that the Indian Embassy had privately urged the Chief Election Commissioner not just to

speak out, but to begin using his powers to punish parties such as the Maoists that violated the Electoral Code of Conduct. Nevertheless, domestic observer representatives from five districts near Pokhara and Biratnagar told the Ambassador in recent days that Maoist violence has not been an issue in their areas.

Electoral Trouble Inevitable

¶6. (C) Three members of the United Nations Election Expert Monitoring Team (EEMT) told the Ambassador on March 11 that while they believed, under prevailing conditions, it would be possible to hold the CA election on April 10, they doubted the parties' ability to sustain these conditions up to and beyond election day. Specifically, the EEMT noted that the Maoist plan to provide poll "helpers" was not conducive to a neutral polling environment. A contractor for USAID's Office of Transition Initiatives told the Deputy Chief of Mission on March 14 that Maoists were going door to door, even in Kathmandu, encouraging unregistered voters to go to the polls early to vote under another person's name. (Note: This is a typical Nepalese political party strategy. End note.) At a coordination meeting on March 13 for members of the diplomatic community and international observer missions, Norbert Meyer, the German Deputy Chief of Mission, summarized the two worst-case scenarios barring election cancellation: the Maoists win -- possible only via fraud and violence -- or the Maoists lose and react unpeacefully.

As If the Maoists Weren't Enough...

¶7. (C) On March 16, the Madhesi Mukti Tigers, Terai Cobra, and two factions of the Janatantrik Terai Mukti Morcha (JTMM) issued a joint statement announcing a series of protest

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programs aimed at disrupting the CA election, culminating in a Terai "bandh" (strike) April 7-10. Several Embassy sources had reported the previous week that a number of the armed Madhesi groups were forming such an alliance. The groups oppose the CA election and are frustrated that the Prime Minister refuses to meet or negotiate with them. Anil Jha, General Secretary of Sadbhavana Party, informed Emboff on March 13 that the Madhesi parties had urged the militant groups to declare a cease-fire through the election and hold off on a protest program until the CA demonstrates it is unresponsive to Madhesi demands. Awadesh Kumar Singh, Senior Advisor to the MPRF, said he had heard that the militant groups were planning on killing candidates, possibly beginning the last week of March. The following day, the Indian Political Counselor downplayed the significance of an alliance of armed Madhesi groups. Kumaran noted that Jay Krishna Goit, whose break from the Maoists and formation of the JTMM in 2004 signaled the beginning of the militant Madhesi movement, was now a marginal figure under medical treatment in India. Kumaran said the GON was in contact with several of the militant Madhesi groups. Kumaran conceded that Jwala Singh, leader of the other principal JTMM faction, and the others could make trouble in the Terai, maybe even assassinate a few candidates. Nevertheless, Kumaran was convinced they could not prevent the election.

Comment

¶8. (C) With just over three weeks to go, Embassy contacts are generally optimistic the Constituent Assembly election will occur on April 10 but worried about the outcome. Violence by the Maoists and Madhesi militant groups is going on in many areas now and could worsen after the polls if the Maoists (or the Madhesi parties participating in the election) do significantly worse than they have anticipated. Those who feared that Nepali Congress weakness might also militate against an election seem somewhat reassured, if only

by the prospect that continuing divisions among the three main Madhesi parties may allow the NC to squeak out victories in otherwise difficult Madhesi-majority constituencies. Amidst the uncertainty, we observe widespread and growing public enthusiasm for an election, after years of delay. What is still missing is a focus by political leaders on the post-election transition.

POWELL